



CITY OF BRANSON
PLANNING & DEVELOPMENT
110 W MADDUX ST, SUITE 215
PHONE: (417) 337-8535
FAX: (417) 334-2391

FOR OFFICE USE ONLY: Project No. _____
FEE & CODE: \$425.00 _____ PLND
DATE & INITIALS: _____
PAYMENT TYPE: <input type="checkbox"/> CASH Receipt # _____
<input type="checkbox"/> CHECK # _____
<input type="checkbox"/> CREDIT CARD REF # _____
PUBLIC NOTICE DATE: _____
PUBLIC HEARING DATE: _____ @ 7:30 PM

PLANNED DEVELOPMENT APPLICATION

Applicant Name (Please Print): _____

Applicant Address: _____

Phone Number: _____ **Fax Number:** _____ **Email:** _____

Applicant requests PD Planned Development district zoning for property described herein and located at:

Street Address: _____

REQUIRED INFORMATION TO BE INCLUDED BEFORE APPLICATION WILL BE ACCEPTED

☒ Please attach a recent copy of the **WARRANTY DEED/ DEED OF TRUST**

☒ Please attach a copy of the **PD Plan and proposed Land Use Regulations.**

Purpose or reason for zoning change request: _____

Current use of property: _____

Restrictions: (Note: zoning WILL NOT supersede deed restriction(s), if any.)

☐ No deed restrictions

☐ A list of restrictions have been attached.

PROPERTY OWNER/AGENT INFORMATION

Owner's Name (Please Print): _____

Owner's Address: _____

Phone Number: _____ **Fax Number:** _____ **Email:** _____

Owner's Signature: _____

Agent's Name (Please Print): _____

Agent's Address: _____

Phone Number: _____ **Fax Number:** _____ **Email:** _____

Agent's Signature: _____

ACKNOWLEDGMENT OF PROPERTY OWNER

STATE OF _____)
) SS.
COUNTY OF _____)

On this ____ day of _____, 20____, before me personally appeared _____, to me known to be the person described in and who executed the foregoing application, and acknowledged that he/she executed the same as his/her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in _____, _____ the day and year first above written.

/s/ _____
Notary Public

My term expires _____



Planning & Zoning Commission / **Board of Adjustment Application Notes**

The applicant and/or representative MUST attend the meeting or the request will be postponed to the next regularly scheduled meeting.

- * A meeting schedule, which includes application submittal deadline dates, is posted on the Planning & Development Department homepage at www.bransonmo.gov or available upon request. No applications will be accepted if incomplete or submitted after deadline date.
- * The “applicant” is the person or persons making the request of the Commission.
- * The “owner” is the owner of the subject property.
- * The “agent” is anyone representing the applicant and/or owner.
- * The owner’s signature must be an original signature, not a photocopy or fax.
- * The legal description must be either a lot, block and subdivision description or a complete metes and bounds description.
- * Copies of any covenants or deed restrictions pertaining to the subject property must be provided to the Planning Division.
- * For proof of ownership, attach a copy of the owner’s WARRANTY DEED or DEED OF TRUST. QUIT CLAIM DEEDS are not acceptable.
- * Site plans as requested must be accurate and to scale. Applicant must include an 11 X 17 copy.
- * All building and structures must meet city adopted building codes and regulations. Please contact the Building Division, (417) 337-8547, for specifics.
- * Copies of the staff report and proposed resolution concerning your request will be available for pick up in the Planning Division office three (3) working days prior to the meeting.

The Planning Division, (417) 337-8544, will be glad to answer any questions you may have or put you in touch with other necessary City departments.

Checklist for Submission and Approval of Planned Development

Procedure:

Applications for planned development (PD) district designation shall be processed pursuant to a three-step review process as specified under Section 410.070 (PD) Planned Development. Preliminary and final plats may be simultaneously submitted and reviewed for approval.

Step 1: Pre-application process

[ART \(Administrative Review Team\)](#)

Submit 10 draft copies of the planned development for departmental review. This draft should include all information necessary for proper review, such as:

- ☐ Uses permitted
- ☐ Intensity of development
- ☐ Bulk, area, and height requirements
- ☐ Public facilities
- ☐ Access to public thoroughfares
- ☐ Off-street parking and loading
- ☐ Signs
- ☐ Perimeter treatment

These copies will be provided to each department for review and written comments, including appropriate recommendations to inform and assist the applicant in preparing the PD application. ART meets every Wednesday. Please allow one week for written comments.

Step 2: Preliminary Development Plan

[Planning and Zoning Commission](#)

Please ensure that the submittal includes the following:

- ☐ A legal description of the site proposed for (PD) designation, including a statement regarding present ownership and present zoning.
- ☐ A master conceptual plan that indicates parcel, tract or lot locations and dimensions; density per gross and per net acre in the development and in each land use component, if appropriate; the intensity of land use in the development and each land use component, if appropriate; the amount of land in common area open space, recreation use or public use, if appropriate; and the treatment of project boundaries
- ☐ Written text which includes supporting graphics describing the overall concept of the plan; the uses included and any limitations upon uses; building types and prototypical site layouts, if appropriate; provisions for maintenance of common areas; any proposed agreements, dedications or easements; any proposed private covenants and restrictions; and any other information required by this article or pertinent to a determination of compliance with the article.

- ☐ A circulation plan that indicates roads adjoining the property; the location of access from public roads into the project; and vehicular and pedestrian circulation systems within the project. The circulation plan may be included as part of the master conceptual plan.
- ☐ An improvement plan that indicates water supply and distribution facilities as well as the source of the water supply; sewage collection and disposal including method and location of sewage discharge; methods and facilities for the management of storm water runoff; improvements to streets and roads; and any other physical improvements required to support the project.
- ☐ A statistical summary that indicates the number of acres in the project; the number of acres allocated to each land use within the project; the gross and net residential density within the project and within each land use component of the project; and floor area, floor area ratios, open space ratios, and other data relating the intensity of development in the site size and location.
- ☐ The following elements are optional, at the request of the Planning and Zoning Commission:
 1. A sign which indicates the location, size and design and other pertinent provisions relating to signs within the project
 2. A parking plan which shows the number of parking spaces as well as their general location and design
 3. An environmental impact statement indicating possible problem areas within the site as well as solutions to those problems as intended by the developer

The preliminary development plan shall be reviewed as a zoning amendment and shall be processed in the same manner specified by this title.

Step 3: Final Development Plan
[Board of Aldermen](#)

If you have questions, please feel free to contact the planning and development department. It is our pleasure to be of assistance to you.

417-337-8535
 417-337-8549

Office Use Only:

PD #: _____
 ART date: _____
 P&Z date: _____
 Board of Aldermen: _____

Section 410.070. [PD] Planned development.

A. *Purpose and intent.* The intent of the planned development (PD) regulations is to permit greater flexibility and consequently more creative and imaginative design than generally is possible under conventional zoning regulations.

It is hereby intended to permit, upon application and upon approval of site and use plans, the creation of planned development (PD) districts. Such a designation shall be determined by, and shall be designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to preserve features of historical significance, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and with a reasonable consideration being given, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the land throughout the city. In PD districts, the regulations which are adopted are intended to accomplish the same purposes as do zoning and other applicable regulations in districts which are developed on a lot-by-lot rather than a unified basis.

B. *Application of planned development (PD) district provisions.* A PD district may be proposed for any location in the city if it is in accordance with the provisions of the zoning regulations.

C. *Effect of planned development (PD) district approval.* Approval of a planned development (PD) district shall constitute an amendment to the zoning ordinance. Designation of a property as a planned development (PD) district in accordance with an approved development plan shall supersede all existing and prior zoning classifications. Such property shall for zoning purposes be identified by the letters "PD" followed by an identifying number.

D. *Standards.* All planned development districts shall at a minimum satisfy the following standards and requirements:

1. *Uses permitted.* The development plan shall specify, both for the project as a whole and/or for subareas within the project, as appropriate, those principal and accessory uses as are to be permitted. The board of aldermen may include or exclude uses from the development plan or include uses with attached conditions as appropriate to achieve the intent of these provisions.

In making its determinations of the uses to be permitted within the PD district, the board of aldermen may consider the compatibility and relationship of uses within the project, the compatibility and relationship of permitted uses adjoining or in proximity to the PD district, the appropriateness of permitted uses for the area in general and their overall impact on the community and the consistency of the permitted uses with other adopted plans and policies.

2. *Intensity of development.* The development plan shall contain provisions to regulate the intensity of development within the planned development (PD) district. Such provisions may apply to the project as a whole or to subareas within the project as appropriate.

- a. For nonresidential development, the intensity of development may be regulated.

- (1) By specifying an appropriate floor area ratio(s) (FAR);

- (2) By specifying maximum square footage or gross leasable area;

- (3) By specifying setbacks, height and bulk restrictions; or

- (4) By a combination of such restrictions for the project as a whole or for components or subareas within the project. In addition, nonresidential development plans may specify performance standards to be imposed on the project and restrictions regarding the location and nature of industrial, commercial, and other residential activities. The board of aldermen may impose such standards and restrictions as necessary to achieve the intent of this article [section]. In making its determination regarding the intensity of development and appropriate performance standards, the board may consider character and scale of similar developments, the character and scale of surrounding development and the area in general, the real or anticipated impact on public facilities and

services, and consistency with other plans and policies.

b. The density of residential dwelling units within a PD shall be computed in accordance with the following formula:

Maximum number of dwelling units. The entire area of the property to be utilized for residential purposes divided by the maximum density as shown by table 1 below permitted within the zoning district(s) in effect for the property at the time of PD district application.

TABLE 1

TABLE INSET:

Zoning Uses	Maximum Residential Density
Single-family housing use	6 DU/acre
Two-family housing use	10 DU/acre
Multifamily housing use	16 DU/acre
Density for multifamily housing may be increased up to 25 DU/acre; dependent upon compatibility and relationship of permitted uses adjoining the subject property and the impact increased density may have on them. A 10-foot buffer on rear and side lot lines is required for density exceeding 16 DU/acre.	
Neighborhood commercial use	16 DU/acre
Downtown commercial use	16 DU/acre
Manufacturing use	16 DU/acre

The permitted number of dwelling units may be distributed in any manner over the residential portion of the project consistent with the intent and provisions of this title. The development plan shall specify distribution of residential density for the project as a whole or for subareas within the project as appropriate. In making its determination regarding the distribution of residential densities, the board may consider compatibility of residential densities with other uses within the district as well as outside the district, the impact of residential densities on public facilities and services, and the consistency with the master plan and other adopted plans and policies.

c. The maximum number of timeshare dwelling units within a planned development (PD) shall not exceed the number calculated by multiplying the entire area of the property to be used for timeshare purposes by the maximum density shown by table 2, except as set forth in subsection (d). The number of timeshare units may be distributed in any manner over the timeshare portion of the PD consistent with the intent and provisions of this title. The development plan shall specify distribution of timeshare units for the PD as a whole or for subareas within the PD as appropriate. In making its determination regarding the distribution of timeshare units, the board may consider compatibility of timeshare densities with other uses within the district as well as outside the district, the impact of timeshare densities on public facilities and services, and the consistency with the master plan and other adopted plans and policies.

TABLE 2

TABLE INSET:

Abutting Zoning District	Maximum Timeshare Density
R-1 single-family	6 DU/acre*

R-2 two-family	10 DU/acre**
R-3 multifamily housing	16 DU/acre***
C neighborhood commercial	32 DU/acre
D downtown commercial	32 DU/acre
M light manufacturing	32 DU/acre

d. *Exceptions.*

(1) **Timeshare units abutting R-1 districts.* The maximum density of timeshare dwelling units within 300 feet of an abutting R-1 district may be increased to 12 DU/acre, but only under the following circumstances:

- (a) No building within 300 feet of an abutting R-1 zoning district shall exceed two stories in height; and
- (b) All buildings must be set back from an R-1 zoning district an additional 25 feet for each two DU/acre in excess of six DU/acre to provide additional buffering. Such additional buffering shall be in excess of the 100 feet minimum buffering required by section 66-218(c)(1) of the Branson Municipal Code and shall be provided along the entire boundary common to the R-1 zoning district.

The maximum density of timeshare dwelling units located more than 300 feet from an abutting R-1 zoning district shall be 32 DU/acre.

(2) ***Timeshare units abutting R-2 districts.* The maximum density of timeshare dwelling units within 300 feet of an abutting R-2 district may be increased to 16 DU/acre, but only under the following circumstances:

- (a) No building within 300 feet of an abutting R-2 zoning district shall exceed two stories in height; and
- (b) All buildings must be set back from an R-2 zoning district an additional 25 feet for each two DU/acre in excess of ten DU/acre to provide additional buffering. Such additional buffering shall be in excess of the 100 feet minimum buffering required by section 66-218(c)(1) of the Branson Municipal Code and shall be provided along the entire boundary common to the R-2 zoning district.

The maximum density of timeshare dwelling units located more than 300 feet from an abutting R-1 zoning district shall be 32 DU/acre.

(3) ****Timeshare units abutting R-3 districts.* The maximum density of timeshare dwelling units within 200 feet of an abutting R-3 district may be increased to 32 DU/acre, but only under the following circumstances:

- (a) No building within 200 feet of an abutting R-3 zoning district shall exceed four stories in height; and
- (b) All buildings must be set back from an R-3 zoning district an additional 25 feet for each four DU/acre in excess of 16 DU/acre to provide additional buffering. Such additional buffering shall be in excess of the 100 feet minimum buffering required by section 66-218(c)(1) of the Branson Municipal Code and shall be provided along the entire boundary common to the R-3 zoning district.

The maximum density of timeshare dwelling units located more than 200 feet from an abutting R-3 zoning district shall be 32 DU/acre.

3. *Bulk, area and height requirements.* The development plan shall specify bulk, area and height restrictions for the project as a whole and for subareas and/or components of the project as appropriate. The board may impose alternate or additional standards or restrictions to achieve the intent of this article. In making its determination regarding such standards or

restrictions, the board may consider the character and scale of the proposed development as it relates to other uses and structures both within the district and outside the district, the general character and scale of similar developments within the area of the proposal, and the consistency with adopted plans and policies.

4. *Public facilities.* The development plan shall specify conditions, restrictions and standards relating to the timely provisions of necessary public facilities as appropriate. The board may impose conditions, restrictions and standards as appropriate to achieve the intent of this title. In making its determination regarding such conditions, restrictions and standards, the board may consider the adequacy of existing facilities, the timely provision of adequate facilities and the overall cost to the community.

5. *Access to public thoroughfares.* The development plan shall specify the location and general design of ingress and egress to the project along with access restrictions as appropriate. The board may impose such access standards and restrictions as necessary to protect the integrity and function of the city's thoroughfare system and to otherwise achieve the intent of this title. In making its determination regarding such access standards and restrictions, the board may consider the classification and function of the thoroughfare system, existing and projected traffic volumes, the condition and design of the affected thoroughfares, the effect of the proposed development on traffic flow and circulation patterns on other adopted plans and policies.

6. *Off-street parking and loading requirements.* Unless specifically modified by the development plan, the off-street parking and loading requirements contained within the zoning regulations shall apply. Reductions in off-street parking and loading standards shall be approved only if it can be demonstrated that parking demand will be less due to density and/or occupancy characteristics of the project and/or the availability of public transportation.

7. *Signs.* Unless specifically modified by the development plan, the sign regulations contained within the zoning regulations shall apply. Modifications to the sign regulations shall be approved only if the general intent to the sign regulations regarding size, location, illumination, structural integrity and relation to surrounding uses is satisfied.

Editor's note: The sign regulations are set forth in chapter 70 of the Branson Municipal Code.

8. *Perimeter treatment.* The development plan shall specify any special treatment of perimeter areas designed to mitigate the impact of the project upon adjoining properties and/or to achieve an appropriate transition between land uses and densities. The board may impose those standards and requirements for perimeter treatment it deems necessary to protect adjoining properties from adverse effects and to achieve an appropriate transition of land uses and densities.

9. *Procedure.* Applications for planned development (PD) district designation shall be processed pursuant to a three-step review process as specified in this section. The three-step procedure shall include: 1) a pre-application conference; 2) a preliminary development plan; and 3) a final development plan.

10. *Preapplication conference.* The preapplication conference is an informal procedure to assist the applicant in meeting various requirements of the city and to provide an early preview of the application. To obtain further information, each applicant shall confer with the director of planning and development and appropriate department heads in connection with the preparation of the PD application. It shall be the responsibility of the director of planning and development to coordinate the preapplication review. Upon review, the director of planning and development shall furnish the applicant with his/her written comments regarding the proposal including appropriate recommendations to inform and assist the applicant in preparing the PD application.

11. *Preliminary development plan.* Upon satisfying the preapplication conference requirement, an applicant may submit a preliminary development plan. The following information shall as a minimum be included in the application:

- a. A legal description of the site proposed for (PD) designation, including a statement regarding present ownership and present zoning.

- b. A master conceptual plan that indicates parcel, tract or lot locations and dimensions; density per gross and per net acres in the development and in each land use component, if appropriate; the intensity of land use in the development and each land use component, if appropriate; the amount of land in common area open space, recreation use or public use, if appropriate; and the treatment of project boundaries.
- c. Written text which includes supporting graphics describing the overall concept of the plan; the uses included and any limitations upon uses; building types and prototypical site layouts, if appropriate; provisions for maintenance of common areas; any proposed agreements, dedications or easements; any proposed private covenants and restrictions; and any other information required by this article or pertinent to a determination of compliance with the article.
- d. A circulation plan that indicates roads adjoining the property; the location of access from public roads into the project; and vehicular and pedestrian circulation systems within the project. The circulation plan may be included as part of the master conceptual plan.
- e. An improvement plan that indicates water supply and distribution facilities as well as the source of the water supply; sewage collection and disposal including method and location of sewage discharge; methods and facilities for the management of stormwater runoff; improvements to streets and roads; and any other physical improvements required to support the project.
- f. A statistical summary that indicates the number of acres in the project; the number of acres allocated to each land use within the project; the gross and net residential density within the project and within each land use component of the project; and floor area, floor area ratios, open space ratios, and other data relating the intensity of development to the site size and location.
- g. The following elements are optional at the request of the planning and zoning commission:
 - (1) A sign which indicates the location, size and design and other pertinent provisions relating to signs within the project.
 - (2) A parking plan which shows the number of parking spaces as well as their general location and design.
 - (3) An environmental impact statement indicating possible problem areas within the site as well as solutions to these problems as intended by the developer.

The preliminary development plan shall be reviewed as a zoning amendment and shall be processed in the same manner specified by this title.

12. *Final development plan.* Due to diversity in size and character of proposals considered under this section, flexibility in the form, content and approval procedures of the final development plan should be retained. Toward this end, the board shall specify, as part of its approval of the preliminary plan, the form, content and approval authority of the final development plan. In the event that the board considers a submission of a final development plan necessary for all or part of the district, it shall so specify in its approval of the preliminary development plan. The board may retain its authority to approve the final development plan or may delegate its approval authority to the planning and zoning commission or to specified administrative officials. In the event the approval authority is delegated, the board shall specify the limits of discretion to be exercised by the approving authority.

13. *Subdivision plats and site plans required.* Nothing in this section shall be construed to prevent an applicant from submitting, at his/her option, a subdivision plat or site plan for the simultaneous review with the development plan.

Planned Development Signage Plan Checklist

Unless a specific PLANNED DEVELOPMENT SIGNAGE PLAN is provided with the Planned Development application, the sign regulations contained within the zoning regulations (Sign overlay zone 1) shall apply. Modifications to the sign regulations shall be approved only if the general intent to the sign regulations regarding size, location, illumination, structural integrity and relation to surrounding uses is satisfied.

If no modifications are provided, the following applies:

70-13(a)(3) Sign overlay Zone 1

1. Height. Freestanding signs and monument signs may not exceed 30 feet in height above existing finish grade level.
2. Area. Freestanding signs shall be allowed a maximum of 300 square feet in sign area. Monument signs shall be allowed a maximum of 450 square feet in structure area and 300 square feet in sign area. Roof signs shall be allowed a maximum of 300 square feet in sign area.
3. Total signage area. Any business shall be allowed to calculate the total signage allowed per premises at the rate of 15 square feet of building frontage.
4. Copy extension. Any business shall be allowed to enhance signage through the use of copy extensions, cut-outs, or drop-outs. Such enhancements shall be limited to a total of 20 percent of the allowed sign area for the sign on which it is installed, and must be included in engineering calculations.

If a PLANNED DEVELOPMENT SIGNAGE PLAN will be submitted, please include the following:

Minimum Submittal Requirements for Planned Development Signage Plan

- ☐ Drawing of all proposed signs, drawn to scale, with dimensions and sizes of structural supports, and engineering specifications as required
- ☐ Site plan of the planned development, drawn to scale, including locations of all signs already present in the PD, including the properties immediately adjacent. This shall include correct measurements to property lines, and to adjacent signs
- ☐ A written explanation of the reasons for the report
- ☐ Detailed information on each sign proposed, including dimensions, height, type, and other necessary information related to conformance to existing sign regulations.
- ☐ An analysis showing evidence of no increase in total signage area.
- ☐ Other information, as requested, necessary to provide a complete and thorough report.

Sec. 70-13. Specific regulations for sign overlay zones.

(a) *Sign overlay zone 1.*

- (1) *Sign height.* Freestanding signs and monument signs may not exceed 30 feet in height above existing finish grade level.
- (2) *Sign area.* Freestanding signs shall be allowed a maximum of 300 square feet in sign area. Monument signs shall be allowed a maximum of 450 square feet in structure area and 300 square feet in sign area. Roof signs shall be allowed a maximum of 300 square feet in sign area.
- (3) *Total signage area.* Any business shall be allowed to calculate the total signage allowed per premises at the rate of 15 square feet per lineal foot of building frontage.
- (4) *Copy extensions.* Any business shall be allowed to enhance signage through the use of copy extensions, cut-outs, or drop-outs. Such enhancements shall be limited to a total of 20 percent of the allowed sign area for the sign on which it is installed, and must be included in engineering calculations.

(b) *Sign overlay zone 2.*

- (1) *Sign height.* Freestanding signs and monuments shall not exceed 25 feet in height above existing finish grade level.
- (2) *Sign area.* Freestanding signs shall be allowed a maximum of 225 square feet in sign area. Monument signs shall be allowed a maximum of 340 square feet in structure area and 225 square feet in sign area. Roof signs shall be allowed a maximum of 225 square feet in sign area.
- (3) *Total signage area.* Any business shall be allowed to calculate the total signage allowed per premises at the rate of 12.5 square feet per lineal foot of building frontage.
- (4) *Copy extensions.* Any business shall be allowed to enhance signage through the use of copy extensions, cut-outs, or drop-outs. Such enhancements shall be limited to a total of 20 percent of the allowed sign area for the sign on which it is installed, and must be included in engineering calculations.

(c) *Sign overlay zone 3.*

- (1) *Sign height.* Freestanding signs and monument signs may not exceed 30 feet in height above existing finish grade level.
- (2) *Sign area.* Freestanding signs and monument signs shall be allowed a maximum of 300 square feet in sign area. Monument signs shall be allowed a maximum of 450 square feet in structure area and 300 square feet in sign area. Roof signs shall be allowed a maximum of 300 square feet in sign area.
- (3) *Total signage area.* Any business shall be allowed to calculate the total signage allowed per premises at the rate of 15 square feet per lineal foot of building frontage.

(4) *Copy extensions.* Any business shall be allowed to enhance signage through the use of copy extensions, cut-outs, or drop-outs. Such enhancements shall be limited to a total of 20 percent of the allowed sign area for the sign on which it is installed, and must be included in engineering calculations.

(5) *Off-premises signs.* Off-premises advertising is only allowed in areas zoned industrial, commercial, or the like, subject to the following restrictions:

a. *Sign area.* Freestanding signs and monument signs shall be allowed a maximum of 300 square feet in sign area.

b. *Sign height.* Freestanding signs and monument signs may not exceed 30 feet in height above finish grade level.

c. *Spacing.* A minimum distance of 1,000 feet of frontage on U.S. Highway 65 shall be maintained between every off-premises sign and any other freestanding or monument sign located within 660 feet of the edge of the right-of-way of U.S. Highway 65. A minimum distance of 500 feet shall be maintained between any off-premises sign and any public/state park. A minimum distance of 1,000 feet of frontage on U.S. Highway 65 shall be maintained between any off-premises sign and any interchange.

d. *Lighting.* Lighting, if used, shall be limited to internally lit indirect lighting or white direct lighting fixed on the advertising matter.

(d) *Sign overlay zone 4.* (Reserved)

(Code 1996, § 445.090; Ord. No. 98-086, § 1, 7-13-1998)

Sec. 70-14. Temporary signs.

Temporary signs, including but not limited to the following, shall be allowed in any zone district on private property and shall be subject to the general requirements of this chapter.

(1) *Construction signs.* A maximum of 32 square feet is allowed. The signs shall be removed within 30 days after the issuance of a certificate of occupancy.

(2) *Real estate signs.* Signs advertising the sale, lease or rental of residential property may be six square feet, and may be 32 square feet for nonresidential property. All real estate signs shall be located on the premises for sale, lease or rent. Real estate signs shall advertise that the property on which the sign is located is for sale, lease or rent, shall include only information related to the relevant details about the property on which the sign is located, and shall not contain any off-premises advertising matter, except for the name and/or logo of the agency listing the property and the name and telephone number of the broker and agent handling the property, provided all such additional information shall be incidental and subordinate to the for sale, lease or rent announcement. Such signs shall be removed within 30 days of the sale, rental, or lease.

(3) *Political signs* . Political signs may be allowed, provided they are not a public danger or nuisance during high winds or inclement weather. These signs shall be confined to private property and removed within 30 days after the election for which they were made.

(4) *Garage sale, yard sale, or auction signs*. Signs commonly regarded as garage sale or yard sale signs and auction signs shall be allowed on private property only and shall be restricted to a maximum area of six square feet. The sign must be removed by owner no later than 24 hours after the event.

(5) *Damaged permanent signs*. In the event that a permanent sign is substantially damaged through fire, natural disaster, or similar emergency, or in the case of major construction projects, where existing permanent signage is removed for construction purposes, a temporary sign may be allowed for display for a period of time not exceeding 60 days. Temporary signage is limited to a maximum of 50 square feet of total temporary signage per address, unless the temporary signage is affixed to any wall face of the main structure. When temporary signage is affixed to any wall face of the main structure, the maximum size of temporary signage may be increased to allow for a maximum coverage of 20 percent of the area of the wall face to which it is affixed. In no case shall any temporary signage exceed a maximum size of 250 square feet.

(6) *On-premises signs and banners*. Signs and banners not specifically enumerated in this chapter but which are temporary in nature, including, but not limited to, grand opening sales and dinner specials, shall be classified by the director of planning and development or his/her duly authorized representative within the standards of signs most similar to the signs requested by the applicant. Temporary signs shall not exceed thirty-two square feet and their display is limited to a maximum of 30 days per address, cumulative total, per calendar year. A temporary sign permit is required. When new facilities are constructed, which, upon completion, will be occupied by a pre-identified establishment, a temporary sign or banner, not to exceed 32 square feet, may be used to announce the "NAME OF ESTABLISHMENT - COMING SOON". Such temporary sign shall be removed immediately upon installation of a permanent sign, or upon issuance of a certificate of occupancy for the pre-identified establishment. A temporary sign permit is required for all temporary signage exceeding 30 days.

(7) *Removal of temporary signs*. The director of planning and development or his/her duly authorized representative shall identify and shall order the immediate removal of any temporary signage, at cost to the owner, erected or maintained in violation of this chapter. The director of planning and development or his/her duly authorized representative shall provide written notice to the owner of the building, structure or premises on which such temporary sign is located, stating the nature of the violation and ordering the owner to remove the sign immediately or bring it into compliance. The written notice shall be served by United States mail, postage prepaid, or delivered by handing the notice to the person to be served by anyone designated by the director of planning and development or his/her duly authorized representative. If the owner or his/her authorized representative does not remove the temporary signage or bring it into compliance within 24 hours of receipt of written notice, remedial action may be taken by the city to remove the signage.

(Code 1996, § 445.100; Ord. No. 98-086, § 1, 7-13-1998; Ord. No. 2001-122, § 1, 9-24-2001; Ord. No. 2005-013, § 1(445.100 5), 2-14-2005; Ord. No. 2005-059, § 1(445.100 2), 5-9-2005; Ord. No. 2007-023, § 1, 3-12-2007)

Sec. 70-15. Prohibited signs.

(a) Prohibited signs are signs which:

- (1) Contain or are an imitation of an official traffic sign or signal.
- (2) Are flashing, high intensity signs, such as strobe lights, or are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which obscure any traffic or street sign or signal.
- (3) Move in any manner, have a major moving part, or swing because of the manner of their suspension or attachment as a result of wind pressure, unless professionally designed to operate in this manner. Not included in this prohibition are signs which are designed to include small, integral parts which flutter due to wind pressure.
- (4) Cause odor or sound emission.
- (5) Operate or employ any motion picture projection or video projection in conjunction with any advertisements.
- (6) Are classified as portable signs.
- (7) Are classified as wind signs.
- (8) Are classified as moving billboard signs.
- (9) Are classified as hazardous due to any of the following conditions:
 - a. Conflict with traffic control signs or signals or various private signs resulting in vehicular or pedestrian safety hazards.
 - b. Signs placed in locations or in a manner that creates a danger to the public during periods of inclement weather or high winds.
 - c. Signs which create a hazard due to collapse, fire, collision, decay, abandonment, or other safety considerations.
 - d. Signs which obstruct firefighting or police surveillance.

(b) In addition to the prohibited signs listed in this section, the use of any light that projects a beam beyond the property line, including, but not limited to outdoor laser lights, searchlights and floodlights is prohibited without written approval from the board of aldermen. Such approval shall be in the form of a resolution designating approval as temporary signage for a period not to exceed 14 consecutive days. The applicant shall provide evidence of FAA and FDA approval prior to review by the board of aldermen. Any amusement parlor, commercial recreation or theater, which has a valid special use permit for such business operation, and which applies for and is issued a valid sign permit, is exempt from this section. Conditions for approval of the sign permit include: evidence of FAA and FDA approval; evidence that the sign is not classified as hazardous in accordance with this section; and evidence that the lights will not project in a manner that creates a danger to the public or neighboring businesses.

(Code 1996, § 445.110; Ord. No. 98-086, § 1, 7-13-1998; Ord. No. 2005-159, § 1, 9-26-2005)

Sec. 70-16. Abandoned signs.

A sign face shall be removed and shall be replaced with a blank face or a face designating that the building is for sale or lease by the owner or lessee of the premises upon which the sign is located when the business it advertises is no longer conducted on the premises. If the owner or lessee fails to remove it and replace it with a blank face or face designating that the building is for sale or lease, the director of planning and development or his/her duly authorized representative shall give written notice to remove it, and shall take such actions to remove the sign as are authorized under section 70-6. When an on-premises sign becomes an abandoned sign due to demolition or destruction of the structure in which the business was located, the sign structure shall be removed. Where a successor to a business agrees in writing to the director of planning and development or his/her duly authorized representative to bring any sign into compliance with this chapter and to maintain the sign as provided in this chapter, the removal requirement shall not apply.

(Code 1996, § 445.130; Ord. No. 98-086, § 1, 7-13-1998)

Sec. 70-17. Nonconforming signs.

(a) *Legal nonconforming signs.* Where a lawful sign exists at the effective date of adoption of the ordinance from which this chapter is derived (July 13, 1998) or amendment of this chapter that would be illegal under the terms of this chapter, such sign may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) No such nonconforming sign may be enlarged or altered in any way which increases its nonconformity, but any sign or portion thereof may be altered to decrease its nonconformity.

(2) Should such nonconforming sign or nonconforming portion of sign be destroyed by any means to any extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

(3) Should such sign be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved. When a permit has been obtained, temporary removal of any portion of a sign for repairs and maintenance shall not be considered to be in violation of this stipulation. Any sign temporarily removed by a public utility company, the city, or any governmental agency to accommodate repair or maintenance, or expansion operations may be replaced, provided there is no change in size, height or location of the sign. If any sign is moved as a direct result of a public street expansion, it may be relocated to a position determined by the city engineer to be appropriate in relation to the expansion project. No permit shall be required for such replacement.

(b) *Loss of legal nonconforming status.* A legal nonconforming sign shall lose this designation if:

(1) The sign is relocated or replaced; or

(2) The structure or size of the sign is altered in any way except towards compliance with this chapter. This does not refer to change of copy, graphics, or normal maintenance.

(c) *Maintenance and repair of nonconforming signs.* The legal nonconforming sign is subject to all requirements of this Code regarding safety, maintenance and repair.

(Code 1996, § 445.140; Ord. No. 98-086, § 1, 7-13-1998; Ord. No. 2006-143, § 1, 10-9-2006)

Sec. 70-18. Signage plan for planned development districts.

(a) Planned development districts may submit a signage plan to the planning and zoning commission for review and recommendation to alter the sign regulations which would otherwise be applicable to the planned development district. A planned development district shall be entitled to the same total signage area as defined in section 70-13(a)(3) for sign overlay zone 1. The planning and zoning commission shall review the signage plan and make a recommendation to the board of aldermen for approval, denial or approval with conditions. The board of aldermen shall review the signage plan and shall approve, deny or approve with conditions. All signage plans shall be submitted to the planning and development department and shall include, at a minimum, the following:

- (1) A drawing of all proposed signs, drawn to scale, with dimensions and sizes of structural supports, and engineering specifications as required.
- (2) A site plan of the planned development district, drawn to scale, including locations of all signs already present in the planned development district, and properties immediately adjacent. This shall include correct measurements to property lines, and to adjacent signs.
- (3) A written explanation of the reasons for the request.
- (4) Detailed information on each sign proposed, including dimensions, height, type, and other necessary information related to conformance to existing sign regulations.
- (5) An analysis showing evidence of no net increase in total signage area.
- (6) Other information, as requested, necessary to provide a complete and thorough report.

(b) The director of planning and development or his/her duly authorized representative shall then present the request to the planning and zoning commission at its next regular meeting, and shall notify the public and adjacent neighbors of the request in accordance with provisions of appendix A to this Code (the zoning regulations).

(Code 1996, § 445.150; Ord. No. 98-086, § 1, 7-13-1998)

Sec. 70-19. Off-premises signs.

(a) The city shall not issue any new permits for the construction of off-premises signs, except as otherwise provided in this chapter.

(b) Nothing contained in this chapter shall be construed to limit the maintenance and repair of any existing off-premises signs.

(Code 1996, § 445.160; Ord. No. 98-086, § 1, 7-13-1998)

Sec. 70-20. Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of an ordinance violation and shall be punished upon conviction pursuant to section 1-11 of this Code.